

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Valerie CHEYNET-SAUVION et al.

Attn: PCT Branch

Application No.: 09/402,131

Docket No.: 104458

Filed: December 8, 1999

For: RNA-DEPENDENT RNA POLYMERASE FUNCTIONING PREFERABLY ON  
RNA MATRIX AND PROMOTER-DEPENDENT TRANSCRIPTION PROCESS  
WITH SAID RNA-DEPENDENT RNA POLYMERASE

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C 371 IN THE UNITED STATES**  
**DESIGNATED/ELECTED OFFICE (DO/EO/US)**  
**WITH DECLARATION AND ENGLISH TRANSLATION**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

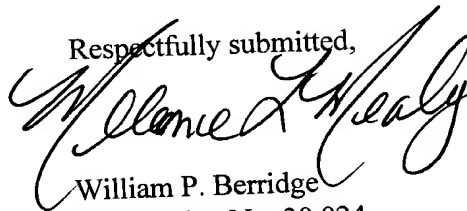
In response to the Notification of Missing Requirements Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on November 12, 1999, submitted herewith are the executed Declaration of the inventor(s) and a verified translation of the application. Any specification attached to and referenced in the Declaration is a copy of the specification and any amendments thereto which were filed in the Office in order to obtain a filing date for the application.

Attached is our Check No. 104788 for ☒\$260.00 for the fee under 37 C.F.R. §1.492(e).

Entry of these documents should complete all of the filing formalities and fully satisfy all requirements of the Notification of Missing Requirements. Accordingly, prompt issuance of a Notification of Acceptance and Official Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,

  
William P. Berridge  
Registration No. 30,024

WPB/tlp

Melanie L. Mealy  
Registration No. 40,085

Filed: December 8, 1999

OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320  
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461

PATENT APPLICATION

OLIFF & BERRIDGE, PLC  
P.O. Box 19928  
Alexandria, Virginia 22320  
Telephone: (703) 836-6400  
Facsimile: (703) 836-2787

Attorney Docket No.: 104458

Date: December 8, 1999

AMENDMENT TRANSMITTAL

In re the Application of

Valerie CHEYNET-SAUVION et al.

Application No.: 09/402,131

Docket No.: 104458

Filed: December 8, 1999

For: RNA-DEPENDENT RNA POLYMERASE FUNCTIONING PREFERABLY ON RNA MATRIX  
AND PROMOTER-DEPENDENT TRANSCRIPTION PROCESS WITH SAID RNA-DEPENDENT  
RNA POLYMERASE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ A statement to establish small entity status under 37 C.F.R. §§1.9 and 1.27 is attached.
- ☐ Small entity status of this application under 37 C.F.R. §§1.9 and 1.27 has been established by a statement previously submitted.

The filing fee has been calculated as shown below:

	(Column 1)	(Column 2)	(Column 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADD'L FEE	RATE	ADD'L FEE
TOTAL CLAIMS	*34 MINUS	**20	= 14	x 9	\$	x 18	\$ 252
INDEP CLAIMS	*3 MINUS	***3	= 0	x 39	\$	x 78	\$
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+130	\$	+260	\$
				\$		\$ 252	

\* If the entry in Column 1 is less than the entry in Column 2, write "0" in Column 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

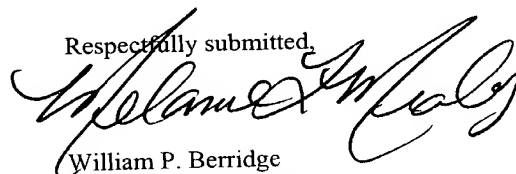
\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" in this space (Total or Independent) is the highest number found from the equivalent box in Column 1 of a prior Amendment or the number of claims originally filed.

- ☒ Check No. 104868 in the amount of \$252.00 is attached. The Commissioner is hereby authorized to charge any other fees that may be required to complete this filing, or to credit any overpayment, to Deposit Account No. 15-0461. Two duplicate copies of this sheet are attached.

DEPOSIT ACCOUNT USE  
AUTHORIZATION  
Please grant any extension  
necessary for entry;  
Charge any fee due to our  
Deposit Account No. 15-0461

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Melanie L. Mealy  
Registration No. 40,085

WPB:MLM/tlp

(1390 REV. 5-93) US DEPT. OF COMMERCE PATENT &amp; TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER  
104458

**TRANSMITTAL LETTER TO THE  
UNITED STATES  
DESIGNATED/ELECTED OFFICE  
(DO/EO/US) CONCERNING A FILING  
UNDER 35 U.S.C. 371**

U.S. APPLICATION NO.  
(if known, sec 37 C.F.R.1.5)  
09/402,131

INTERNATIONAL APPLICATION NO.  
PCT/FR98/00635

INTERNATIONAL FILING DATE  
March 27, 1998

PRIORITY DATE CLAIMED  
April 4, 1997

TITLE OF INVENTION  
RNA-DEPENDENT RNA POLYMERASE FUNCTIONING PREFERABLY ON RNA MATRIX AND PROMOTER-DEPENDENT  
TRANSCRIPTION PROCESS WITH SAID RNA-DEPENDENT RNA POLYMERASE

APPLICANT(S) FOR DO/EO/US  
Valerie CHEYNET-SAUVION (Verin, FRANCE), Nadege ARNAUD-BARBE (Saint Sorlin, FRANCE), Guy ORIOL (Saint Chamond, FRANCE), William McALLISTER (Perth Amboy, NEW JERSEY, USA), Bernard MANDRAND (Villeurbanne, FRANCE) and Francois MALLET (Villeurbanne, FRANCE)

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☒ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

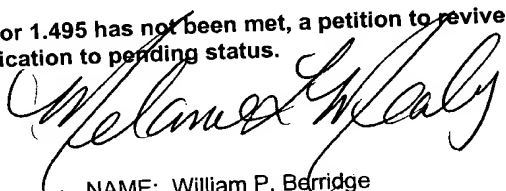
**Items 11. to 16. below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment and Amendment Transmittal.  
☐ A SECOND or SUBSEQUENT preliminary amendment
 

12/14/1999 PVOLPE	00000032 09402131
01 FC:154	130.00 OP
02 FC:156	130.00 OP
03 FC:966	252.00 OP
14. ☐ A substitute specification.
15. ☐ A small entity statement.
16. ☒ Other items or information: Response to Notification of Missing Requirements

10 Rec'd PCT/PTA

0 8 DEC 1999

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 09/402,131		INTERNATIONAL APPLICATION NO. PCT/FR98/00635		ATTORNEY'S DOCKET NUMBER 104458			
17. <input type="checkbox"/> The following fees are submitted:  <b>Basic National fee (37 CFR 1.492(a)(1)-(5)):</b>  Search Report has been prepared by the EPO or JPO.....\$840.00  International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$670.00  No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00  Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00  International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$ 96.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				CALCULATIONS		PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00			
Claims	Number Filed	Number Extra	Rate				
Total Claims	34 - 20 =		X \$ 18.00	\$252			
Independent Claims	3 - 3 =		X \$ 78.00	\$			
Multiple dependent claim(s)(if applicable)			+ \$260.00	\$			
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$			
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				-			
<b>SUBTOTAL =</b>				\$382			
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$130			
<b>TOTAL NATIONAL FEE =</b>				\$512			
				Amount to be refunded		\$	
				Charged		\$	
a. <input checked="" type="checkbox"/> Check Nos. 104788 and 104868 in the amount of \$260 and \$252 to cover the above fees are enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.							
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b>							
SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC P.O. Box 19928 Alexandria, Virginia 22320							
				 NAME: William P. Berridge REGISTRATION NUMBER: 30,024			
				NAME: Melanie L. Mealy REGISTRATION NUMBER: 40,085			
WPB:MLM/tlp							
Filed: December 8, 1999							

09/402131

09/402,131



10 Rec

08 DEC 1999

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKETED

OLIFF & BERRIDGE  
PO BOX 19928  
ALEXANDRIA VA 22320

5071

INTERNATIONAL APPLICATION NO.

I.A. FILING DATE

PRIORITY DATE

NOV 16 1999

11/12/99

DATE MAILED:

# NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495):

December 12, 1999

☒ U.S. Basic National Fee.☒ Copy of the international application in:☒ a non-English language.☐ English.☐ Translation of the international application into English.☐ Oath or Declaration of inventors(s) for DO/EO/US.☐ Copy of Article 19 amendments.☐ Translation of Article 19 amendments into English.☐ The International Preliminary Examination Report in English and its Annexes, if any.☐ Translation of Annexes to the International Preliminary Examination Report into English.☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.☐ Assignment document.☐ Power of Attorney and/or Change of Address.☐ Substitute specification filed \_\_\_\_\_.☐ Statement Claiming Small Entity Status.☐ Priority Document.☒ Copy of the International Search Report ☐ and copies of the references cited therein.☐ Other:

2. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.  
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917☐ Notice of Defective Translation☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

DOCKETED

Telephone: (703) 305-9178 on 11-16-99 and